

**REMARKS**

**Claim 28:**

Applicant hereby requests the Examiner enter the Amendment filed November 20, 2003 and enter new claims 28 for consideration.

**Claims 1-27:**

With regard to claims 1-7, 21, 26 and 27, Applicant hereby incorporates the arguments and discussion of the prior art set forth in Applicant's November 20, 2003 Amendment.

As previously argued by Applicant, Shoki does not disclose "an information obtaining portion obtaining information on an amount of the printing coloring agent that is *consumed*" but not used in actual printing. *See* claim 1. Essentially, the present invention obtains information about an amount of ink that is "consumed" but not used in printing. This is in no way disclosed in Shoki.

Specifically, Applicant notes that there is no disclosure of any capability to differentiate between ink that was used in printing, and ink that was not used in printing. In fact, because of this, the system in Shoki will not provide the user with an accurate reading of the level of ink within the cartridge. Stated differently, the Shoki system only determines the amount of ink left in a cartridge based on the original capacity of the cartridge and the number of ink dots printed.

In the Advisory Action, the Examiner states:

Applicant's argument that Shoki does not disclose [sic] obtaining information on a printing agent but not consumed during a printing operation is not persuasive because [] the ink left [in] the cartridge is ink not used in actual printing or ink in non-printing operation, furthermore, the claim only recite to obtain the amount of ink was not used in actual printing [sic], nothing recite about the amount was used when maintenance of a printing mechanism is carried out

(the amount of ink [was] not used in actual printing could be the amount of ink left after printing, which is different than the amount was used when maintenance of a printing mechanism is carried out). Therefore, Shoki still meets the limitation of the claim. (Advisory Action, page 2).

However, in view of the above comments, the Examiner appears to have misunderstood the present invention and Applicants arguments. Further, the Examiner is ignoring an element of the pending claims. Essentially, it appears that the Examiner's argument is that Shoki determines the amount of ink left in the cartridge (as discussed above) and that "ink left [in] the cartridge is ink not used in actual printing or ink in non-printing operation." *See* Office Action, page 5, *see also* the Examiner's comments above.

Although Applicant agrees with the Examiner that ink left over in the cartridge is ink "not used in actual printing," the Examiner's comments have ignored an aspect of the present invention. Namely, the Examiner has ignored the claim language which makes it clear that the ink to be measured is ink that has been "consumed." Stated differently, the present invention does not simply measure ink that was not used in a printing operation (which could be simply unused ink), but measures ink that has been "consumed" in a non-printing operation.

This is in no way disclosed in Shoki, which is no more relevant than the prior art referenced in the present application. The present invention measures ink that is "consumed" in a non-printing operation, for example during maintenance. With this, it is possible to differentiate between ink that was not used in printing, and ink that was used in printing. This can not be accomplished in Shoki.

Applicant respectfully requests the Examiner identify the disclosure in Shoki where the Shoki system measures an amount of ink that is "consumed" but not "consumed" in a printing operation.

As stated above, Shoki's system determines the amount of ink left in a cartridge based only on the original capacity of the cartridge and the number of ink dots printed. There is no consideration taken for ink that is lost during a maintenance procedure or ink that is not used in a printing operation. There is no consideration of ink which has been "consumed" in a non-printing operation. Shoki simply does not disclose the present invention.

**Conclusion:**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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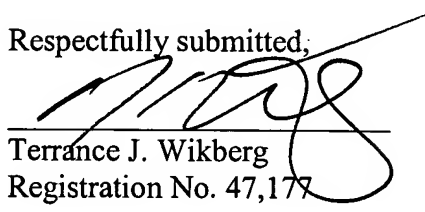
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**23373**

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